

Appendix B:

Proposed that the 2017 constitution of **Strata Community Association (WA) Inc** be amended in the manner set out below:

Delete the following Definitions and Interpretation	Insert the following Definitions and Interpretation
“Authorised Representative”	“Corporate Nominee”
“Authorised Representative” means the Person who is duly authorised to act on behalf of a Corporate Strata Manager Member, Corporate Strata Services Member, Strata Community Member or Strata Owner Member under Rule 6(9)(b).	“Corporate Nominee” means the Person who is duly authorised to act on behalf of a Corporate Strata Manager Member, or Corporate Strata Services Member under Rule 6(9)(b).
<i>Add</i>	“Bankruptcy Act” means the Bankruptcy Act 1966 (Cth).
<i>Add</i>	“Corporations Act” means the Corporations Act 2001 (Cth).
<i>Add</i>	“Dispute” means a dispute between Members referred to in Rule 10(1).
<i>Add</i>	“Dispute Notice” means a notice in writing referred to in Rule 10(1).
“PSC”	“PSMBAG”
“PSC” means the professional standards committee established by the Board under Rule 10(1).	“PSMBAG” means the national advisory group referred to in Rule 11(1).
“Strata Community Member” means a Member referred to in Rule 6(7).	<i>Remove</i>
“Strata Owner Member” means a Member referred to in Rule 6(8).	<i>Remove</i>
“Strata Company” means a strata company created under the Strata Titles Act 1985 (WA).	“Strata Company” means a strata company created under the Strata Titles Act 1985 (WA) or a community corporation under the Community Titles Act 2018 (WA).
“Strata Profession” means the practice, in Western Australia, of: (a) the sub-division of land to create strata schemes or survey-strata schemes; (b) the survey, valuation, registration, sale or conveyancing of lots in strata schemes or survey-strata schemes; (c) the supply of goods, services or utilities to Strata Companies; (d) consulting or advising in respect of the management of Strata Companies or (a), (b) or (c) above; and (e) the supply of goods, services or utilities in respect of the management of Strata Companies.	“Strata Profession” means the practice, in Western Australia, of: (a) the sub-division of land to create strata schemes, community title or survey-strata schemes; (b) the survey, valuation, registration, sale or conveyancing of lots in strata schemes, community title or survey-strata schemes; (c) the supply of goods, services or utilities to Strata Companies; (d) consulting or advising in respect of the management of Strata Companies or (a), (b) or (c) above; and (e) the supply of goods, services or utilities in respect of the management of Strata Companies.

Delete the following Definitions and Interpretation	Insert the following Definitions and Interpretation
<p>“Strata Sector” means that part of the property sector in Western Australia dealing with strata schemes and survey-strata schemes.</p>	<p>“Strata Sector” means that part of the property sector in Western Australia dealing with strata schemes, community title and survey-strata schemes.</p>
<p><i>Add</i></p>	<p>“Unsound Mind” means— (a) a state of mental disease or natural mental infirmity described in the Criminal Code, section 27 (1) ; or. (b) a state of mind described in the Criminal Code, section 28 (1) for which the Criminal Code, section 27 (1) applies to a person.</p>
<p>“Voting Members” ... (f) Strata Community Members, but excludes Strata Owner Members.</p>	<p><i>Remove</i></p>
Delete the following rules	Insert the following rules
4. Property & Income	
<p>4.3 No part of the income or property of the Association may be paid or otherwise distributed, directly or indirectly, to the Members, except as provided for under the Act and the Constitution.</p>	<p>4.3 No income or property of the Association will be paid, transferred or distributed, directly or indirectly, by way of a dividend, bonus or otherwise to any Member. However, nothing in the Act or the Constitution will prevent payment in good faith to a Member:</p> <ul style="list-style-type: none"> (a) in return for any services rendered or goods supplied in the ordinary and usual course of business to the Association; (b) of interest at a rate not exceeding current bank overdraft rates of interest for moneys lent to the Association; (c) of reasonable and proper rent for premises leased by any Member to the Association; or (d) for the reimbursement of reasonable expenses properly incurred by the Member on behalf of the Association.
6. Membership	
<p>6.1 Categories of Membership Membership of the Association is divided into the following categories:</p> <ul style="list-style-type: none"> (a) Life Member; (b) Corporate Strata Manager Member; (c) Corporate Strata Manager – Personal Member; (d) Corporate Strata Services Member; (e) Corporate Strata Services – Personal Member; (f) Strata Community Member; and (g) Strata Owner Member. 	<p>6.1 Categories of Membership Membership of the Association is divided into the following categories:</p> <ul style="list-style-type: none"> (a) Life Member; (b) Corporate Strata Manager Member; (c) Corporate Strata Manager – Personal Member; (d) Corporate Strata Services Member; and (e) Corporate Strata Services – Personal Member.

Delete the following rules	Insert the following rules
<p>6.7 Strata Community Member</p> <p>(a) A Strata Community Member is a Strata Company.</p> <p>(b) A Strata Community Member may use the title “Strata Community Member, Strata Community Association WA Inc.” after the Strata Community Member’s name on stationery and promotional material.</p>	<p><i>Remove</i></p>
<p>6.8 Strata Owner Member</p> <p>(a) A Strata Owner Member is a Body Corporate or Person that is a registered proprietor of a strata title lot or a survey-strata title lot in Western Australia.</p> <p>(b) A Strata Owner Member may use the title “Strata Owner Member, Strata Community Association WA Inc.” after the Strata Owner Member’s name on stationery and promotional material.</p>	<p><i>Remove</i></p>
9. Subscriptions	
<p>9.1 Each Member, other than a Life Member, must pay an entrance fee (if any) and the annual subscription (if any) to the Association in an amount to be determined by the Board in respect of each Financial Year.</p>	<p>9.1 Each Member, other than a Life Member, must pay an entrance fee (if any) and the annual subscription (if any) to the Association in an amount to be determined by the Board in respect of each Financial Year in advance.</p>
<p>9.3 Each Member, other than a Life Member, must pay to the Association annually on or before 30 June or other date as the Association determines the amount of the annual subscription determined under Rule 9(1).</p>	<p>9.2 Each Member, other than a Life Member, must pay to the Association annually on or before 30 June or other date as the Board determines the amount of the annual subscription determined under Rule 9(1) for each Financial Year.</p>
<p>9.2 In the Financial Year in which a Member is first admitted to Membership, the annual subscription will be payable for that Financial Year forthwith at the date of admission, provided that if the date of admission is after 31 December in any Financial Year, that Member will be required to pay only 50% of the annual subscription in respect of that Financial Year.</p>	<p>9.3 In the Financial Year in which a Member is first admitted to Membership, the annual subscription payable will be proportionately reduced, at the discretion of the Board, in accordance with the month of admission during the Financial Year.</p>
<p>9.4 (b) That the annual subscription payable by Members within a category of Membership differs from that payable by other Members within the same category of Membership.</p>	<p><i>Remove</i></p>

Delete the following rules	Insert the following rules
NEW - Dispute Resolution	10.1 Dispute Resolution
<i>Add</i>	<p>10.1 If any dispute arises between two or more Members, then the Member claiming that a Dispute has arisen must give a Dispute Notice to the other Member(s) specifying the nature of the Dispute.</p> <p>10.2 Within ten Business Days of receipt of a Dispute Notice, the Members must use their best endeavours to meet and attempt to resolve the Dispute in good faith.</p> <p>10.3 If the Members have not resolved the Dispute within 10 Business Days of receipt of the Dispute Notice, or further period the Members agree in writing, the Dispute must be referred to mediation in accordance with clauses 10(4) to 10(6).</p> <p>10.4 The mediator appointed to resolve the Dispute will be:</p> <p>(a) such person as agreed in writing by the Members within 7 days of a request by any Member to do so; or</p> <p>(b) failing agreement within 7 days of a request by any Member under clause 1.4(a), then by a person appointed by the Chair of Resolution Institute, (ACN 008 651 232, Level 2, 13-15 Bridge Street, Sydney NSW 2000; telephone: (02) 9251 3366, email: infoaus@resolution.institute) or the Chair's designated representative.</p> <p>10.5 The Resolution Institute Mediation Rules shall apply to the mediation.</p> <p>10.6 The mediation will be confidential with the costs of the mediator being borne equally by the Members to the Dispute and each Member must bear its own legal costs.</p> <p>10.7 If mediation does not resolve the Dispute, any Member may give notice to the Association and request the PSMBAG to consider the Dispute in accordance with Rule 11.</p>
Delete the following rules	Insert the following rules
10. Professional Standards Committee	11. Professional Standards and Membership Board Advisory Group
10.1 The Board must establish a PSC. It must consist of at least two Board Members, other Members and other Persons as the Board determines, save that any Member involved in a complaint before the PSC must not be a member of the PSC in respect of that complaint.	11.1 The board must place two Board Members on the SCA National PSMBAG which consists of representatives from all regions across Australia and New Zealand. Subject to compliance with Rule 10, the PSMBAG must investigate a request made by a Member to investigate a complaint.

Delete the following rules	Insert the following rules
Add	11.2 (e) can recommend further action to a third party
Add	11.4 The PSMBAG may, should this be the third or more complaint, take special action to review all former complaints.
11. Cessation of Membership	12. Cessation of Membership
11.4 (c) Subject to Rule 1213, a Member who is expelled from Membership ceases to be a Member on the day stipulated in the notice given to the Member under Rule 1112(4)(b) and that Member must immediately return any certificate of Membership to the Association and cease the use of any reference to Membership of the Association.	12.4 (c) Subject to Rule 1213, a Member who is expelled from Membership ceases to be a Member on the day stipulated in the notice given to the Member under Rule 1112(4)(b) and that Member must immediately return any certificate of Membership to the Association and cease the use of any reference to Membership of the Association on all stationery and promotional material.
13. General Meetings	14. General Meetings
13.4 (b) (iii) be given to the Association or the Secretary.	14.4 (b) (iii) be given to the Secretary.
13.4 (d) (i) Board must ensure that the Members requesting the extraordinary General Meeting are supplied with the names and addresses of all Members free of charge;	14.4 (d) (i) The secretariat will prepare the list of Members for notice distribution;
14. Proceedings at General Meetings	15. Proceedings at General Meetings
14.3 At a General Meeting, one third of the Financial Voting Members Present constitutes a quorum.	15.3 At a General Meeting, one fifth of the Financial Voting Members present constitutes a quorum.
14.4 If a quorum is not present within 30 minutes after the time appointed for the General Meeting, (a) the General Meeting is dissolved, if called upon a requisition of Members under Rule 1314(4)(a) or Rule 1314(4)(c); (b) in any other case, it is adjourned until the same day in the next week at the same time and place or to a later date not more than 21 days after the originally stipulated date and such other time and place as the Chair may determine; and	15.4 If a quorum is not present within 30 minutes after the time appointed for the General Meeting, the persons entitled to vote who are present at the meeting are taken to constitute a quorum for the purposes of that meeting.
(c) if, at the adjourned General Meeting, a quorum is not present within 30 minutes after the time appointed for the General Meeting, the Financial Voting Members Present constitute a quorum.	

Delete the following rules

14.16 On a show of hands or a poll, each Financial Voting Member present has the following number of votes:

Voting Membership Category	Number of votes
Life Member	10
Corporate Strata Manager Member	10
Corporate Strata Manager – Personal Member	1
Corporate Strata Services Member	10
Corporate Strata Services – Personal Member	1
Strata Community Member	4

Insert the following rules

15.16 On a show of hands or a poll, each Financial Voting Member present has the following number of votes:

Voting Membership Category	Number of votes
Life Member	10
Corporate Strata Manager Member	10
Corporate Strata Manager – Personal Member	1
Corporate Strata Services Member	10
Corporate Strata Services – Personal Member	1

15. Proxies

Remove

15.4 An instrument appointing a proxy may be a standing appointment.

16. Board

16.1 Constitution of the Board

- (a) The Board must consist of:
- (i) six Elected Board Members, elected at Annual General Meetings;
 - (ii) up to ~~two~~ Appointed Board Members; and
 - (iii) the Past President.

17. Board

17.1 Constitution of the Board

- (a) The Board must consist of:
- (i) six Elected Board Members, elected at Annual General Meetings;
 - (ii) up to ~~two~~ **three** Appointed Board Members; and
 - (iii) the Past President.

16.3 Appointment of Appointed Board Members

- (a) The Board can appoint up to ~~two~~ Appointed Board Members to the Board.

17.3 Appointment of Appointed Board Members

- (a) The Board can appoint up to ~~two~~ **three** Appointed Board Members to the Board.

Delete the following rules	Insert the following rules
<p>16.4 Term</p> <p>(a) Subject to Rule 16(4)(b), a Board Member holds office for a term of three years, but is eligible for re-election or re-appointment, as the case may be, for further terms of three years.</p> <p>(b) Board Members must not hold office for more than nine consecutive years. Board Members are, however, eligible for election or appointment, as the case may be, to the Board after approximately one year has elapsed since the Board Member last held office.</p> <p>(c) Notwithstanding Rule 16(4)(b), a Board Member who is a Past President continues to hold office until they are no longer the Past President.</p> <p>(d) The Elected Board Members are deemed to commence holding office from the end of the Annual General Meeting at which they were elected until the end of the Annual General Meeting held approximately three years thereafter.</p>	<p>17.5 Term</p> <p>(a) Subject to Rule 17(5)(b), a Board Member holds office for a term of two years, but is eligible for re-election or re-appointment, as the case may be, for a further two terms.</p> <p>(b) Board Members must not hold office for more than six consecutive years. Board Members are, however, eligible for election or appointment, as the case may be, to the Board after approximately one year has elapsed since the Board Member last held office.</p> <p>(c) Notwithstanding Rule 17(5)(b), a Board Member who is a Past President continues to hold office until they are no longer the Past President.</p> <p>(d) The Elected Board Members are deemed to commence holding office from the end of the Annual General Meeting at which they were elected until the end of the Annual General Meeting held approximately two years thereafter.</p>
<p>17. Office Bearers</p>	<p>18. Office Bearers</p>
<p>17.2 (b) The President or an appointee of the Board represents the Association on official occasions.</p>	<p>17.2 (b) The President or an appointee of the President represents the Association on official occasions.</p>
<p>18. Powers and Duties of the Board</p>	<p>19. Powers and Duties of the Board</p>
<p>18.6 The minutes referred to in Rule 18(5) must, once confirmed as a true and correct record of proceedings, be signed by the Chair of the next succeeding meeting.</p>	<p>19.6 The minutes referred to in Rule 19(5) must be confirmed as a true and correct record of proceedings by the Board at the next succeeding meeting.</p>
<p>20. Chapters</p>	<p>21. Chapters</p>
<p>20.6 The Chapter will subsequently provide feedback to the Board arising out of that discussion, in the form determined by the Board.</p>	<p>21.6 The Chapter will subsequently provide feedback to the Board arising out of that discussion in minutes which are to be kept by the SCA secretariat and presented at the next board meeting.</p>
<p>21. Special Interest Groups</p>	<p>22. Special Interest Groups</p>
<p><i>Add</i></p>	<p>22.4 The Special Interest Group will subsequently provide feedback to the Board arising out of that discussion in minutes which are to be kept by the SCA secretariat and presented at the next board meeting.</p>

Delete the following rules	Insert the following rules
24. Common Seal	25. Common Seal
24.1 The Association must provide for the safe custody of the common seal of the Association.	25.1 The Secretary must provide for the safe custody of the common seal of the Association.
31. When payment may be made to a Member	
<p>31.1 A payment may be made to a Member out of the funds of the Association only if it is authorised under Rule 31(2).</p> <p>31.2 A payment to a Member out of the funds of the Association is authorised if it is:</p> <ul style="list-style-type: none"> (a) the payment in good faith to the Member as reasonable remuneration for any services provided to the Association, or for goods supplied to the Association, in the ordinary course of business; (b) the payment of interest, on money borrowed by the Association from the Member, at a rate not greater than the cash rate published from time to time by the Reserve Bank of Australia; (c) the payment of reasonable rent to the Member for premises leased by the Member to the Association; or (d) the reimbursement of reasonable expenses properly incurred by the Member on behalf of the Association. 	<i>Removed here and reworded under Property & Income</i>